

On April 27, 1928, the Elberton Creamery (Inc.), Elberton, Ga., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$850, conditioned in part that it be reworked so that the packages each contain 16 ounces net weight of butter.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16642. Adulteration and misbranding of feed. U. S. v. 250 Sacks of White Feed and Ground Screenings, et al. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 23288, 23289, 23290. I. S. Nos. 01021, 01022, 01023. S. Nos. 1409, 1410, 1411.)

On December 29, 1928, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 250 sacks of white feed and ground screenings, 40 sacks of pulverized wheat, and 50 sacks of corn feed meal, remaining in the original unbroken packages at Ashley, Ill., alleging that the articles had been shipped by the General Commission Co., from Kansas City, Mo., on or about December 3, 1928, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part variously: "100 lbs. Kansas City White Feed and Ground Screenings * * * Heart of America Mills, General Commission Co., Distributors, Kansas City, Missouri * * * (Maximum mineral content 3%);" "100 lbs. Pulv. Wheat;" and "Corn Feed Meal Distributed by General Commission Company, Kansas City, Mo. * * * Ingredients: Ground Corn."

Analyses of samples of the articles by the Food, Drug, and Insecticide Administration of this department showed that they contained calcium carbonate.

It was alleged in the libel that the articles were adulterated in that in each instance they contained an article of food and food product in which some other article had been mixed and packed and substituted in part for the pure article, and which had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "Maximum mineral content, 3%," borne on the label attached to the sacks containing the white feed and ground screenings, was false and misleading and deceived and misled the purchaser when applied to a product containing mineral ingredients in excess of that amount. Misbranding was alleged with respect to the remaining products for the reason that the statements "Pulverized Wheat" and "Ingredients Ground Corn," as the case might be, were false and misleading and deceived and misled the purchaser when applied to products containing calcium carbonate.

On January 28, 1929, the Kleinschmidt Produce Co., Ashley, Ill., and the General Commission Co., Kansas City, Mo., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was sentenced, and it was ordered by the court that the products be released to the said claimants upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that they be relabeled under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16643. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23953. I. S. No. 08045. S. No. 2115.)

On July 24, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Sharon Cooperative Creamery Co., Le Sueur, Minn., alleging that the article had been shipped from Le Sueur, Minn., on or about July 22, 1929, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed with the said article